

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11
12 UNITED STATES OF AMERICA)
13)

14 Plaintiff,)

15 v.)

16)
17 Defendants.)
18)
19)

CR - NM

20
21 **CRIMINAL MOTION AND**
22 **TRIAL ORDER**

23 The above matter is set for trial before the Honorable Nora M. Manella,
24 Courtroom 11, United States Federal Courthouse.

25 PRE-TRIAL AND TRIAL DATES

26 1. **A Status Conference/Motions Hearing** is set for _____ at 1:30
27 p.m.

28 **Trial** is set for **Tuesday**, _____ at **9:00 a.m.**

Thereafter, trial shall commence at 8:00 a.m.

2. All pleadings shall be served personally on opposing counsel or faxed

to opposing counsel no later than 4:30 p.m. on the day of filing.

3. **All Counsel are to serve conformed courtesy copies of all motions, oppositions or notice of non-opposition, and replies directly to the courtesy box located on the wall outside the entry to Judge Manella's Chambers on the Spring Street level of the United States Courthouse, 312 No. Spring Street, Los Angeles, California by 4:00 p.m. (PST) on the day of filing.**

4. All Counsel are to list facsimile transmission numbers, along with address and telephone numbers, on all papers submitted to the Court.

DISCOVERY & NOTICE

5. Counsel for the Government and counsel for Defendant shall comply promptly with discovery and notice pursuant to Fed. R. Crim. P. 12, 12.1, 12.2, 12.3, 15, and 16.

MOTIONS

6. Time for Filing and Hearing Motions: Unless otherwise ordered, the Court hears criminal motions on **Monday, commencing at 1:30 p.m.** If Monday is a national holiday, the Court does not hear motions on the succeeding Tuesday. Any motion noticed for a Monday holiday automatically will be set for the next Monday without further notice to the parties. Any opposition, notice of non-opposition or reply papers due on a holiday are due the **preceding Friday, not the following Tuesday.**

Unless otherwise ordered, in criminal motion matters, the timing and service requirements of Local Rules 6 and 7 (Civil) shall apply, including:

- (1) Rule 6-1 (twenty-one (21) calendar days notice for all motions unless served by mail, in which case twenty-four (24) calendar days required);
- (2) Rule 7-9 (responses to all motions fourteen (14) calendar days before hearing date);
- (3) Rule 7-10 (reply, if any, to all responses one (1) week before hearing date); and

1 (4) Rule 7-12 (papers not timely filed by a party).

2 Adherence to the above timing requirements is essential to chambers'
3 preparation of motion matters.

4 7. **Length and Format of Motion Papers: Memoranda of Points**
5 **and Authorities in support of or in opposition to motions shall not exceed 25**
6 **pages. Replies shall not exceed 12 pages.** Only in rare instances and for good
7 cause shown will the Court grant an application to extend these page limitations.
8 No supplemental brief shall be filed without prior leave of court.

9 **Typeface shall comply with Local Rule 11-3.1.1. (Civil). NOTE: If**
10 **Times Roman font is used, the size must be no less than 14; if Courier is used,**
11 **the size must be no less than 12.** Footnotes shall be in typeface no less than one
12 size smaller than text size and shall be used sparingly.

13 Filing which do not conform to the Local Rules and this Order will not be
14 considered.

15 Discovery motions: Before filing any motion for discovery, a party shall
16 consult with opposing counsel to ascertain what discovery will be provided. Any
17 discovery motion shall state with particularity what is requested, the basis for such
18 requested production, whether such discovery has been formally requested, and
19 whether such discovery has been declined. Motions made without prior
20 consultation with opposing counsel or which fail to include the above information
21 will not be heard.

22 **TRIAL**

23 9. **No later than one week before trial,** Counsel for the Government
24 shall file with the Court:

25 a. In camera (under seal) all statements of all witnesses to be called
26 by the Government in its case-in-chief;

27 b. A Trial Memorandum. The Trial Memorandum shall set forth a
28

1 factual summary of the Government's case, a statement of the charges and the
2 elements of each charge, an estimate of the length of the government's case in
3 chief, the number and names of witnesses the government intends to call, and a
4 discussion of relevant legal and evidentiary issues as applied to the facts of the
5 particular case.

6 10. Counsel shall arrive at the Courtroom no later than 8:30 a.m. on the
7 first day of trial.

8 11. Counsel for the Government shall present the Courtroom Deputy with
9 the following documents on the first day of trial:

10 a. THREE copies of the Government's witness list.

11 b. THREE copies of the Government's exhibit list in the form
12 specified in Local Rule 16-5 (Civil).

13 c. ALL of the Government's exhibits, with official exhibit tags
14 attached and bearing the same number shown on the exhibit list.

- 15 • Defense counsel need not deliver defense exhibits to the
16 Courtroom Deputy on the first day of trial; however, defense
17 counsel is responsible for affixing completed exhibit tags with
18 the case name and case number to all exhibits to be used in
19 Defendant's case.
- 20 • Exhibit tags may be obtained from the receptionist in the Public
21 Intake Section, located on the Main Street level of the
22 courthouse at 312 North Spring Street, Room G-19.
- 23 • Exhibits shall be numbered 1, 2, 3, etc., NOT 1.1, 1.2, etc. If a
24 blow-up is an enlargement of an existing exhibit, it shall be
25 designated with the number of the original exhibit followed by
26 an "A".
- 27 • Counsel for the Government should be aware that the Court
28

1 will order that exhibits such as firearms, narcotics, etc., remain
2 in the custody of a law enforcement agent during the pendency
3 of the trial. It shall be the responsibility of the agent to produce
4 said items for court, secure them at night and guard them at all
5 times while in the courtroom.

6 d. A bench book containing a copy of all exhibits that can be
7 reproduced, each exhibit shall be tabbed with the exhibit number for easy
8 referral. A copy of the Indictment/Information and a copy of the witness list.
9 Defense counsel shall provide the Court with a copy of defense exhibits as
10 they are introduced during trial.

11 e. A 3½-inch diskette, compatible with Word Perfect 6.1 or 7.0,
12 containing the exhibit list.

13 A copy of the exhibit list with all **admitted exhibits** will be given to the
14 jury during deliberations. Government and defense counsel shall review
15 and approve the exhibit list with the Courtroom Deputy before the list is
16 given to the jury.

17 12. If any counsel wishes to arrange for the installation of additional
18 equipment, such as video monitors, overhead projectors, etc., counsel shall notify
19 the Courtroom Deputy no later than 4:00 p.m. at least one week before trial so that
20 the necessary arrangements may be made.

21 13. On the day of jury selection, trial will run from 9:00 a.m. to 5:00 p.m.
22 Thereafter, trial days are Tuesday through Friday, 8:00 a.m. to 3:00 p.m., with two
23 fifteen-minute breaks during the morning session and a lunch recess from 12:30
24 p.m. to 1:30 p.m. When necessary, trials may continue beyond the normal
25 schedule.

26 14. Before trial commences, the Court will give counsel an opportunity to
27 discuss administrative matters and anticipated procedural or legal issues. During
28

1 trial, if there are any matters to be discussed outside the presence of the jury,
2 counsel shall advise the Courtroom Deputy.

3 15. On the day of jury selection, the Court reserves the time from 8:30
4 a.m. to 9:00 a.m. to handle legal and administrative matters. Jury selection will
5 commence promptly at 9:00 a.m. Thereafter, legal and administrative matters shall
6 be addressed between 7:30 a.m. and 8:00 a.m. All counsel are urged to anticipate
7 matters which may need discussion or hearing outside of the presence of the jury
8 and to raise them during this period, during breaks, or at the end of the day.

9 JURY INSTRUCTIONS & VERDICT FORMS

10 16. **No later than one week before trial**, jury instructions in the form
11 described below are to be submitted. Counsel shall include both general and
12 substantive instructions. If possible, all instructions should be taken from the
13 Manual of Model Criminal Jury Instructions for the Ninth Circuit (West
14 Publishing, latest edition). In those cases where a special verdict is necessary,
15 counsel shall submit a proposed verdict form with the jury instructions. Counsel
16 shall submit a 3½-inch diskette, compatible with Word Perfect 6.1 or 7.0,
17 containing the proposed instructions and a “clean” set of such instructions, as set
18 forth below.

19 17. The parties must submit JOINT jury instructions and a JOINT
20 proposed verdict form (if a special verdict is desired). In order to produce these
21 joint instructions, the parties shall meet and confer sufficiently in advance of the
22 required submission date, with the goal of agreeing upon instructions and verdict
23 forms. Where there are instructions on which the parties cannot agree, the
24 instructions shall be submitted one week before trial as follows: 1) JOINT jury
25 instructions (those instructions which are agreed to by all parties), and 2)
26 DISPUTED jury instructions (those instructions propounded by a party to which
27 another party objects). On a separate page following each disputed jury
28

instruction, the party opposing the instruction shall briefly state the basis for the objection, any authority in support thereof and, if applicable, an alternative instruction. On the following page, the party proposing the disputed instruction shall briefly state its response to the objection. Each requested jury instruction shall be numbered and set forth in full on a separate page, citing the authority or source of the requested instruction.

18. Where possible, counsel are to use the instructions from the Manual of Model Criminal Jury Instructions for the Ninth Circuit, West Publishing, latest edition, modified, as necessary, to fit the facts of the case (e.g., inserting names of defendant(s) to whom instruction applies). Where language appears in brackets in the model instruction, counsel shall select the appropriate text and eliminate the inapplicable bracketed text. Where no applicable Ninth Circuit model instruction is available, counsel are directed to use the instructions from O'Malley, Grenig & Lee (formerly Devitt, et al.), Federal Jury Practice and Instructions, West Publishing Co., current edition.

19. An index page shall accompany all jury instructions submitted to the Court. The index page shall indicate the following:

- a. The number of the instruction;
- b. A brief title of the instruction;
- c. The source of the instruction; and
- d. The page number of the instruction.

EXAMPLE:

Number	Title	Source	Page Number
#1	Conspiracy-Elements	9th Cir.8.5.1	1

20. A copy of the instructions will be given to the jury during deliberations. Accordingly, on the diskette submitted with jury instructions, counsel shall include a "clean" set of all instructions, containing only the text of

each instruction, set forth in full on each page, with the caption “Court’s Instruction No. ____” (eliminating titles, supporting authority, indication of party proposing, etc.)

INSTRUCTIONS GOVERNING PROCEDURE DURING TRIAL

21. Counsel shall not refer to any witness -- including a client -- over 14 years of age by his/her first name during trial.

22. Counsel shall not discuss the law or argue the case in opening statements.

23. When objecting, counsel shall stand, state only the legal ground of the objection, e.g., hearsay, irrelevant, etc. Counsel shall not argue an objection before the jury.

24. Counsel shall not approach the witness box or enter the well without the Court's permission, and shall return to the lectern when counsel’s purpose has been accomplished.

25. No document shall be placed before a witness that has not previously been provided or shown to opposing counsel. No document shall be placed before a witness unless a copy thereof has been provided to the Court.

26. Water will be provided at counsel table. Water cups are not to be brought to the lectern.

27. Counsel is requested to rise when addressing the Court, and in jury cases, when the jury enters or leaves the courtroom.

28. In trial, all remarks shall be addressed to the Court. Counsel shall not directly address the Courtroom Deputy, the reporter or opposing counsel. All requests for the re-reading of questions or answers, or to have an exhibit placed in front of a witness, shall be addressed to the Court.

29. Counsel should not offer a stipulation without having conferred with opposing counsel and reached an agreement. Any stipulation of fact will require

1 Defendant's personal concurrence and shall be submitted to the Court in writing
2 for approval. A proposed stipulation should be explained to Defendant in
3 advance.

4 30. While court is in session, counsel shall not leave counsel table to
5 confer with investigators, secretaries, or witnesses unless permission is granted in
6 advance.

7 31. When a party has more than one lawyer, only one lawyer may conduct
8 the examination of a given witness, and only that same lawyer may handle
9 objections during the testimony of that witness.

10 32. If a witness was on the stand at a recess or adjournment, counsel who
11 called the witness shall ensure the witness is back on the stand and ready to
12 proceed when court resumes.

13 33. Counsel are directed to have witnesses available throughout the court
14 day. If no witnesses are available and there is more than a brief delay, the Court
15 may deem counsel to have rested.

16 34. The Court attempts to cooperate with doctors and other professional
17 witnesses and will, except in extraordinary circumstances, accommodate them by
18 permitting them to be called out of sequence. Counsel are urged to anticipate any
19 such possibility and to discuss it with opposing counsel. If there is an objection,
20 counsel shall confer with the Court in advance.

21 35. Counsel are advised to be on time, as the Court makes every effort to
22 start promptly.

23
24 Dated:

25
26 NORA M. MANELLA
United States District Judge
27
28